

Informational Briefing for Office Director
Outstanding Rulemaking Petitions in ORCR

June 29, 2009

by Chichang Chen

Purpose of Briefing

- Provide the status of the historic rulemaking petitions still outstanding in ORCR, as instructed.

Findings

- The attached summary list of rulemaking petitions was prepared based on the following information:
 - The 11/13/89 summary list prepared by Filomena Chau of then-CAD
 - The 10/9/97 updated summary list prepared by Cate Jenkins of MRWMD
 - Status update by ORCR staff (Narendra Chaudhari, Bob Kayser, Ross Elliott, Greg Helms, Rich Lashier, Bryan Groce, Beth Zelenski, Jeff Gaines, Jana Englander, and Alex Livnat)
 - Relevant correspondences contained in RCRA Online
 - Relevant information from Intranet and Internet search (FR notices and documents)
- There are a total of 48 outstanding rulemaking petitions since 1980s, as tallied in the table below:

Status of ORCR Rulemaking Petitions (June 2009)

Petition Status	Number of Petitions	Notes
Addressed	2	USWAG (10/11/96) and Kimberly-Clark (6/15/83)
Partially addressed	2	USWAG (2/6/96) and State of Michigan (2/8/82)
Currently Being addressed or processed	9	Saccharin Delisting (4/30/03 & 5/11/90 from Calorie Control Council), Coal Combustion Waste (2/9/04 from environmental groups), Chromated Copper Arsenate (7/02 from Beyond Pesticides), Spent Petroleum Catalysts (8/01 from VPPA), Revisions to Financial Assurance Requirements (2/16/90 from NSWMA), National Uniform Manifest System (1/8/90 from ASTSWMO), Rags/Wipes (5/27/87 from Scott Paper, 3/10/87 from ATCA, and 3/26/85 from Kimberly-Clark).
Not formally addressed, but may have been addressed by other means	3	Mercury Refining (11/6/96), Ferroalloys Association (10/88), and Racon Refrigerant (2/1/88)
No record of any action formally taken	34	Copies of petitions are not available
TOTAL	50	Including 2 addressed and 48 outstanding

Next Steps

- Maintaining list of rulemaking petitions (MR WMD/WCB)?
- Tracking new petitions when received?